

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ANDRES DEL ROSARIO ALAYON a.k.a ANGEL
FIGUEROA a.k.a. ARCENIO POCHE CHACON,

Defendant.

) **05** CR **10039** NG

) Criminal No. 05-CR-_____

) VIOLATIONS:

) 21 U.S.C. § 952(a) & 960(a) –

) Importation of Heroin

) 18 U.S.C. § 2 –

) Aiding and Abetting

) 18 U.S.C. § 1546 – Using False

) Identity Card

) 18 U.S.C. § 1028A –

) Aggravated Identity Theft

) 21 U.S.C. § 853 –

) Criminal Forfeiture Allegation

INDICTMENT

COUNT ONE: (21 U.S.C. §§ 952(a) and 960(a) – Importation of Heroin)

The Grand Jury charges that:

On or about January 31, 2005, at Boston, in the District of Massachusetts,

ANDRES DEL ROSARIO ALAYON a.k.a ANGEL FIGUEROA
a.k.a. ARCENIO POCHE CHACON,

defendant herein, did knowingly and intentionally import into the United States, from a place outside thereof, to wit: the Dominican Republic, heroin, a Schedule I controlled substance.

It is further alleged that this offense involved at least 100 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, Title 21,

United States Code, Section 960(b)(2)(A) applies to this Count.

All in violation of Title 21, United States Code, Sections 952(a) and 960(a) and Title 18

United States Code, Section 2.

COUNT TWO: (18 U.S.C. § 1546(a) – Using False Identity Card)

The Grand Jury further charges that:

On or about January 31, 2005, at Boston, in the District of Massachusetts,

**ANDRES DEL ROSARIO ALAYON a.k.a ANGEL FIGUEROA
a.k.a. ARCENIO POCHE CHACON,**

defendant herein, did knowingly and intentionally use, attempt to use, and possess an alien registration receipt card and other document prescribed by statute and regulation for entry into and evidence of authorized stay and employment into the United States, knowing it to be forged, counterfeited, altered, falsely made, and to have been procured by means of false claim and statement and to have been otherwise procured by fraud and unlawfully obtained.

All in violation of Title 18, United States Code, Section 1546(a).

COUNT THREE: (18 U.S.C. § 1028A – Aggravated Identity Theft)

The Grand Jury further charges that:

On or about January 31, 2005, in the District of Massachusetts, the defendant,

**ANDRES DEL ROSARIO ALAYON a.k.a ANGEL FIGUEROA
a.k.a. ARCENIO POCHE CHACON**

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit: Arcenio Poche Chacon, date of birth July 27, 1957, Alien Registration Number 045-318-058, during and in relation to a violation of 18 U.S.C. § 1546(a), as charged in Count Two, to wit: using, attempting to use, and possessing an alien registration receipt card and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, falsely made, and to have been procured by means of a false claim and statement and otherwise procured by fraud and unlawfully obtained.

All in violation of Title 18, United States Code, Section 1028A.

FORFEITURE ALLEGATION

(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Count I of this Indictment, the defendants,

**ANDRES DEL ROSARIO ALAYON a.k.a ANGEL FIGUEROA
a.k.a. ARCENIO POCHE CHACON,**

shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

2. If any of the property described in paragraph 1 above, as a result of any act or omission of the defendants,

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

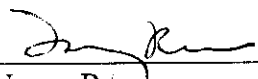
it is the intention of the United States, pursuant to 21 U.S.C. § 853(p) and 21 U.S.C. § 970, to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of 21 U.S.C. § 853 and 21 U.S.C. § 970.

A TRUE BILL,



FOREPERSON OF THE GRAND JURY

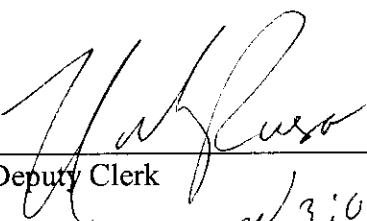


Nancy Rue
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

February 24, 2005

Returned into the District Court by the Grand Jury Foreperson and filed.



Deputy Clerk
at 3:02 P.M.

JS 45 (5/97) - (Revised USAO MA 1/21/04)

Criminal Case Cover Sheet

05 CR 10039 NG

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency ICECity Boston Related Case Information:

County Suffolk Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant ☒ New Defendant _____
 Magistrate Judge Case Number 05-m-1003-JGD
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name Andres del Rosario Alayon Juvenile ☐ Yes ☒ NoAlias Name Arcenio Poche Chacon aka Angel Figueroa

Address _____

Birth date (Year only): 1957 SSN (last 4 #): _____ Sex m Race: Hispanic Nationality: Dom RepDefense Counsel if known: Walter Underhill Address: 66 Long Wharf 02110

Bar Number: _____


U.S. Attorney Information:

AUSA Nancy Rue Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: Spanish (Dominican dialectx)Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested☐ Regular Process☒ In Custody

Location Status:

Arrest Date: 1 Feb 05☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 3 counts

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 24 Feb 05Signature of AUSA: 

FOR NANCY RUE

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District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Andres del Rosario Alayon aka Arcenio Poche Chacon aka Angel Figueroa

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 952, 960(a)</u>	<u>importation of heroin</u>	<u>1</u>
Set 2	<u>18 USC 1546</u>	<u>false identity card</u>	<u>2</u>
Set 3	<u>18 USC 1028A</u>	<u>aggravated identity theft</u>	<u>3</u>
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: